

## 1. Introduction

Hello Ma'am

This is Pranjal Sinha from Clifford Chance. On your inquiry regarding the ICO Dawn Raids, I'd like to share a few points with you.

## 2. What is an ICO Dawn Raid?

The Information Commissioner's Officer (ICO) is the supervisory authority in the United Kingdom set to uphold information rights in the public interest and protect data privacy for individuals.

Dawn Raid is an inspection of a company's premises by the ICO without any notice.

Every company that is subject to data protection legislation must co-operate with and provide relevant information to the ICO

The Dawn Raid is likely to be exercised only at a reasonable hour which is within normal business hours unless the ICO feels that conducting the raid at normal timings will defeat the entire purpose of investigation.

## 3. What are the ICO's Powers in a Dawn Raid?

The ICO inspectors have the essential powers during a Dawn Raid that are:

the right to enter and search company property;

the right to inspect,

review, and make copies of information and documents;

the right to search IT networks, including hardware, media storage, emails,

document servers, laptops, and other portable electronic devices;

the right to seize and remove documents and hardware;

the right to ask anyone present to explain any documents or other objects;

the right to provide any other information that may lawfully be needed for the investigation.

use reasonable force as may be necessary to execute the warrant

search employees' homes if warranted by a judge

use seals on doors and cupboards to prevent interference with documents if the Dawn Raid lasts for more than a day.

#### 4. What information can be withheld from the ICO?

Inspectors cannot demand the supply of material that is legally protected. This implies that any private communications made for the primary goal of providing or receiving legal advice between a client and their attorney, legal advice about your duties, privileges, or responsibilities under data protection laws will probably be protected by constitutional protection.

Inspectors are also restricted from requesting records that are unrelated to the inquiry.

This claim has to be made at the earliest opportunity of the investigation and the Materials should be kept separately from the other materials to avoid any breach.

#### 5. Practical information on how to react

I have some suggestions on how to handle a Dawn Raid if you are the target of one. Senior executives, legal teams, and IT teams are a few examples of key employees who must be involved in the inspection and should be informed in advance. They should also undergo the necessary training. They should be particularly knowledgeable about the business's data flows and storage facilities. This will make the inspection less disruptive and more effective overall.

Clear guidelines on how to interact with inspectors should be provided to personnel working in security and at the front desk. When inspectors are welcomed at reception, the legal team and other important personnel must be immediately informed, along with the number of inspectors present and the name and phone number of the lead inspector.

The date, location, and scope of the investigation should all be verified against the warrant.

Given that the inspectors could need access to IT systems and inboxes, it would be beneficial to have a senior member of the IT team on hand to help.

Organizations and their employees should generally assist and cooperate with investigators.

#### 6. Any other information

Employees should receive training beforehand, so they are aware of what an ICO Dawn Raid is and how to respond if one occurs. Investigators have the authority to question employees or ask them for information, so it will be more effective if they are aware of what a Dawn Raid is.

Additionally, you might want to create a "Dawn Raid Response Team" and assign important workers' duties and tasks for when an inspection happens.

End call and offer your assistance going forward

I really hope that this information has been useful to and has given you some suggestions on how your company

should get ready for an ICO Dawn Raid.

I would be more than pleased to offer you written advice on the subject or arrange a training session for your staff as an additional assistance.

I hope we can talk again soon, and please me know if you have any further queries.